

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-223167.2

DATE: June 4, 1986

MATTER OF: Photographic Analysis Company--
Request for Reconsideration

DIGEST:

Protest which is not filed within 10 working days after protester knew its basis for protest is untimely.

Photographic Analysis Company (Photographic) requests reconsideration of our dismissal of its protest in connection with invitation for bids (IFB) No. DAAL04-86-B-0007 issued by the Army Materiel Command (AMC) for cinematography equipment. Photographic had protested that AMC improperly proposed to make award to a firm whose equipment did not meet the solicitation specifications. We dismissed Photographic's protest as untimely since it was not filed within 10 working days after the firm stated it learned of the allegedly improper proposed award. 4 C.F.R. § 21.2(a)(2) (1985).

On reconsideration, Photographic argues that its protest was timely filed. Photographic points out that it protested the proposed award by letter dated May 19, 1986, "which is exactly 10 working days from May 5, 1986," the date on which the firm learned of the proposed award.

Our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2), require that protests be filed with our Office not later than 10 working days after the basis of protest is known or should have been known, whichever is earlier. Our Regulations further explain that the term "filed" regarding protests to the General Accounting Office means receipt of the protest submission in the General Accounting Office. 4 C.F.R. § 21.2(b). Here, Photographic's protest was mailed on May 19, 1986, but not received in our Office until May 22, 1986, more than 10 working days after Photographic states it knew its basis for protest. Therefore, Photographic's protest is untimely and we affirm our prior dismissal.

for *Samson Egan*
Harry R. Van Cleve
General Counsel

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